

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 787 of 1995

in

SPECIAL CIVIL APPLICATION No. 3256 of 1995

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN
and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

KANAIYALAL C.OZA.

Versus

THE CHAIRMAN & MANAGING DIRECTOR DENA BANK.

Appearance:

PARTY-IN-PERSON for Appellant
MR KM PATEL for Respondent No. 2

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

Date of decision: 27/04/98

ORAL JUDGEMENT [Per : K.Sreedharan, CJ]

The short question that was put before the learned Single Judge was - Whether the period of suspension was to be treated as on duty and was to be paid full salary and allowances ? Disciplinary authority and Reviewing authority took the view that the period of suspension cannot be treated as on duty when the misconduct alleged has been established. That order was challenged before this Court in Special Civil Application No. 3256 of 1995.

2. Learned Single Judge after considering the entire facts and circumstances of the case took a view that the period of suspension cannot be treated as having been spent on duty. The learned Judge further took note of the fact that the final penalty imposed on the appellant herein was withholding of one increment without cumulative effect. Dismissal of this Special Civil Application is in challenge.

3. We have perused entire records and after considering the facts and circumstances of this case, we come to the conclusion that the appellant's claim to treat the period of suspension as period spent on duty cannot be allowed. Consequently, appeal fails and the same is accordingly dismissed.

[K. Sreedharan, C.J.]

[A.R Dave, J.]

Prakash*